* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 91-50-A

James F. Seal, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance to permit an existing 5-foot tall fence with a setback of 0 feet to the rear and side yards of the subject property which adjoins the front yard of another lot on which a residence has been built in lieu of the required 30 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 11958 Park Heights Avenue, consists of 17,066 sq.ft. zoned R.C. 5 and is improved with a single family dwelling. Petitioners testified that they erected the subject fence in 1987 to replace a fence which had existed in the same location since approximately 1968. The instant Petition was filed as a result of a complaint filed by Edward Trott, who resides to the rear of the subject property at 12022 Park Heights Avenue. Mr. Trott did not appear at the hearing. To support their position, Petitioners introduced numerous letters from adjoining and neighboring property owners indicating they have no objection to Petitioners' request. Further, Petitioners submitted several photographs of the subject fence and its relationship to the Trotts' property. Petitioners argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

practical difficulty and/or unreasonable hardship upon the Petitioner.

Based upon the testimony and evidence presented at the hearing,

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of October, 1990 that the Petition for Zoning Variance to permit to permit an existing 5-foot tall fence with a setback of 0 feet to the rear and side yards of the subject property which adjoins the front yard of another lot on which a residence has been built in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioners would be required to bring the property into compliance with the zoning regulations.

> > - 2-

The MARKETINE ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

H9100001

PRICE

AMN:bjs

Zoning Commissione County Office Building 111 West Chesapeuke Avenue Account: R-001-6150 owson, Maryland 21204

PUBLIC HEARING FEED AND WIRE OF CAR CAMES THE

LAST NAME OF OWNER: SEAL

B B 105******3500:a 203%F

I AM RESPONSIBLE FOR THE ALLVERLY OF

THIS DESCRIPTION AS DRAWN BY BALFO. CO

4+NELECTION DISTRICT.

ZONING DESCRIPTION

HEIGHTS AVE. AT A DISTANCE OF 450'+ N OF HUNTINGTON

TWEED RD. TO A PRIVATE RD, AND THENCE ALONG THE NORTH

TO THE POINT OF BEGINNING. THENCE N.W. 208.61 THENCE

BEGINNING KNOWN AS 11958 PARK HEICHTS AVE IN THE

SIDE OF SAID PRIVATE RD. A DISTANCE OF 300 & SOUTH WEST

There SE. 218,62 THENCE BO'TD THE POINT OF

BESINAL AT A POINTON THE WEST SIDE OF PARK

91-50-A CERTIFICATE OF POSTERS A DEPARTMENT OF BALTIMORE COUNTY

District 4 th: Posted for: Namance	Date of Posting Systember 17, 1990.
Posted for:	
Potitioner: January F. J. Lak	k Heights avenue, 450' N of 58 Park Heights Avenue 11958 Park Heights Arenue
Ventingdon Tweed Rd: 119	58 Park Highta arenne
Location of Signe In front of	11958 Park Highta arence
<i>O V</i>	·
Remarks:	8. Tem by 21 1996
Posted by S. J. areta	Date of return Systember 21, 1996
Number of Signs:	

Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

October 18, 1990

Mr. & Mrs. James F. Seal 11958 Park Heights Avenue Owings Mills, Maryland 21117 Dennis F. Rasmussen

RE: PETITION FOR ZONING VARIANCE W/S Park Heights Avenue, 450' N of Huntington Tweed Road (11958 Park Heights Avenue) 4th Election District - 3rd Councilmanic District James F. Seal, et ux - Petitioners Case No. 91-50-A

Dear Mr. & Mrs. Seal:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

(HALSTON ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Mr. Edward M. Trott 12022 Park Heights Avenue, Owings Mills, Md. 21117

People's Counsel

File

Petition for Zoning Variance
Case number: 91-50-A
300 ft. W of Park Heights Avenue, 450 ft N of Huntingdon
Tweed Road
11958 Park Heights Avenue
4th Election District
3th Councilmanic
Petitioner(s):
Jemes F. Seel, 1 ux
Hearing Date: Wednesday,
Oct. 3, 1990 at 2:00 p.m. Oct. 3, 1990 at 230 p.m.

Variance: To permit residential cocupancy fence with a zero ft. setback in the rear and side yard of a lot which adjoins the front yard of another on which a residence has been bult (said fence height 60" ± requiring a 30 ft. setback.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stey of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES

NOTICE OF HEAVING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesspeake Avenue in Towson, Maryland 21204

as follows:

NOTICE OF HEARING The Zoring Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Beltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance Case number: 91-50-A 300 ft. W of Park Heights Av-enue, 450 ft N of Huntingdon Tweed Road 11958 Park Heights Avenue 4th Election District 3th Councilments Petitioner(s): James F. Seal, t ux Hearing Date: Wednesday, Oct. 3, 1990 at 2:00 p.m. Variance: To permit residentis occupancy fence with a zero ft. setback in the rear and side yard of a lot which adjoins the front yard of another on which a residence has been built (said fence height 60" ± requiring a 30 ft. setback. in the event that this Pettion is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the is-suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. I ROBERT HAINES

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published

> OWINGS MILLS TIMES.

CERTIFICATE OF PUBLICATION

TOWSON, MD., ____

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive

THE JEFFERSONIAN.

9 88.51

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 427 — To permit residential occupancy fonce with a zero ft. setback

in the rear and side yard of a lot which adjoins the front yard of another on which a residence has been built (said fence height 60 inchest) requiring a 30 ft. setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Privacy fence erected approximately three (3) years ago when neighbor's son DE continually rode his motorbike around/on the property (Trott's) adjoining our property --- this was too painful and stressful on wife, who is still under doctor's care, since our 16-year-old son was previously killed on a motorbike 4/-20 (%) _____

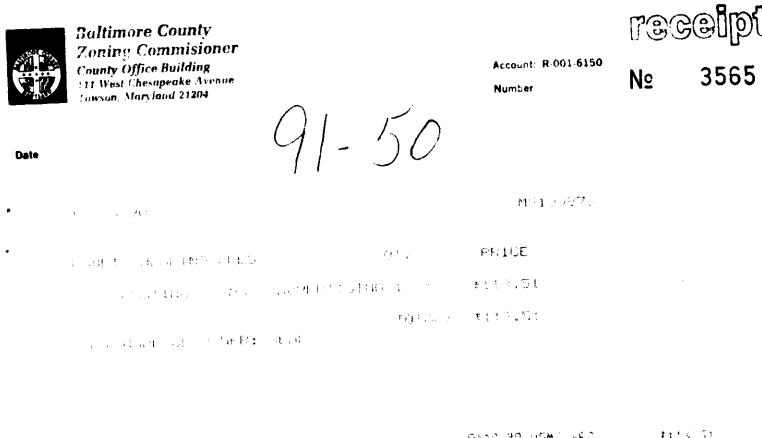
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

	which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
	James F. Seal
(Type or Print Name)	(Type or Print Name)
Signature	Signature
-	Nancy R. Seal
Address	(Type or Print Name) Marcy R. Seal
City and State	Signature
Attorney for Petitioner:	
•	11958 Park Heights Avenue 356-6766
(Type or Print Name)	Address Phone No.
• ••	Owings Mills, MD 21117
Signature	City and State
	Name, address and phone number of legal owner, con-
Address	tract purchaser or representative to be contacted
City and State	Name
Attorney's Telephone No.:	Address Phone No.
ORDERED By The Zoning Commissioner	of Baltimore County, this day
90	the subject matter of this petition be advertised, a
	.t. : t wordenabore of donoral circiliation infourer
out Baltimore County, that property be posted,	and that the public hearing be had before the Zonin
Commissioner of Ballimore Coulty in Acoust	106, County Office Building in Towson, Baltimor

County, on the 312 day of 52, 1990, at 2 o'clock



2A COOL:38PML0 03 90

any Time OK DAY

@4A0440.95M().680

Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

DATE _____

Mr. & Mrs. James F. Seal 11958 Park Heights Avenue Owings Mills, Maryland 21117



Dennis F. Rasmussen

Re: Petition for Zoning Variance CASE NUMBER: 91-50-A 300 ft. ₩ of Park Heights Avenue, 450 ft. N of Huntingdon Tweed Road 11958 Park Heights Avenue 4th Election District - 3rd Councilmanic Petitioner(s): James F. Seal, et ux

HEARING: WEDNESDAY, OCTOBER 3, 1990 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$113.51 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NUT ISSUE. DU NOT REMOVE THE SIGN & POST SET(S) FRUM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines
Zoning Commissioner



NOTICE OF HEARING

August 7, 1990

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 91-50-A 300 ft. W of Park Heights Avenue, 450 ft. N of Huntingdon Tweed Road 11958 Park Heights Avenue 4th Election District - 3rd Councilmanic Petitioner(s): James F. Seal, et ux HEARING: WEDNESDAY, OCTOBER 3, 1990 at 2:00 p.m.

Variance: To permit residential occupancy fence with a zero ft. setback in the rear and side yard of a lot which adjoins the front yard of another on which a residence has been built (said fence height 60"±) requiring a 30 ft. setback.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines

DATE: July 19, 1990

Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

James F. Seal, Item No. 1 James R. Gernhart, Jr., Item No. 3 William A. Jenkins, et al, Item No. 5 Richard M. Post, Item No. 7 Robert Lee Rodowski, Item No. 8 Seven Courts Development Partnership, et al, Item No. 9 Roger Scott Weinberg, Item No. 10 George MacDonald, Item No. 14

Olwyn Diamond, Item No. 419 Philip Diamond, Item No. 420 Mark K. Harvey, Item No. 439 Michael John Reddy, Item No. 440 David Seymour Allen, Item No. 441 Robert Frank Bolling, Item No. 442 Nicholas Stamatacos/Angelina Stamatacos, Item No. 444 Stephen B. Leese, Sr., Item No. 445 Harry R. Kleinhen, Item No. 447 Alpha J. Davis, Jr. Item No. 448 Judith L. Early, Item No. 455 David Shimony, Item No. 456 Kirk Riggs, Item No. 457 James Paskert, Item No. 458

James M. Burke, Item No. 459 John A. Meyers, Item No. 465 In reference to the above-mentioned cases, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JL 2 4 1990

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

July 30, 1990

Dennis F. Rasmussen

County Executive

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

JAMES F. SEAL RE: Property Owner:

> #11958 PARK HEIGHTS AVENUE Location:

Item No.: 1 Zoning Agenda: JULY 24, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Last Just Kelly 7-30.90 Approved Constitution Bureau Fire Prevention Bureau Spécial Inspection Division

JK/KEK

Baltimore County **Zoning Commissione** Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

September 20, 1990

Mr. & Mrs. James F. Seal 11958 Park Heights Avenue Owings Mills, MD 21117

> RE: Item No. 1, Case No. 91-50-A Petitioner: James F. Seal, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Seal:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JED:jw

Zoning Plans Advisory Committee

Enclosures

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 24th day of July, 1990.

Petitioner: James F. Seal, et ux Petitioner's Attorney:

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

JULY 20, 1990

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT:

ZONING ITEM #: 1 PROPERTY OWNER: James F. Seal, et ux LOCATION: 300' W Park Heights Ave., 450' N Huntington Tweed Drive (#11958 Park Heights Avenue) ELECTION DISTRICT: 4th COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () NUMBER PARKING SPACES () BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(/) OTHER - Fencing shall comply with section 515.0 of Council Bill #158-88 also known as the Baltimore County Building Codes.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN JUL 2 4 1640

FALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

To: Zoning Advisory Committee DATE: July 26, 1990 FPOM: Bobert W. Bowling, P.E. FR: 2 ming Advisory Committee Meeting

for July 34, 1990

The Dovelopers Engineering Division has reviewed the subject coming items and we have no comments for Items 484. (1) 2. 3. 4 and 5.

> Robert W. Bowling / DAK ROBERT W. BOWLING, P.E., Chief Levelopers Engineering Division

문서문문

ZENING ENFORCEMENT Baitimore County Zoning Office Towson, Maryland 21204

91-50-A

INTER-OFFICE CORRESPONDENCE

DATE: July 5, 1990

TO: James E. Dyer Zoning Supervisor

FROM: James H. Thompson Zoning Enforcement Coordinator

RE: Item No. 1 (if known) Petitioner: Seal (if known)

VIOLATION CASE # C-90-2374

LOCATION OF VIOLATION 11958 Park Heights Avenue

DEFENDANT James F. and Nancy R. Seal

ADDRESS 11958 Park Heights Avenue Owings Mills, MD 21117

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Edward M. Trott

September 27, 1990

Towson, MD 21204

Sincerely,

Mr. J. Robert Haines Zoning Commissioner Baltimore County Office Building 111 W. Chesapeake Avenue

RE: Case No. 91-50-A

Eugene O. and Loretta P. Reynolds

11962 Park Heights Avenue Owings Mills, MD 21117

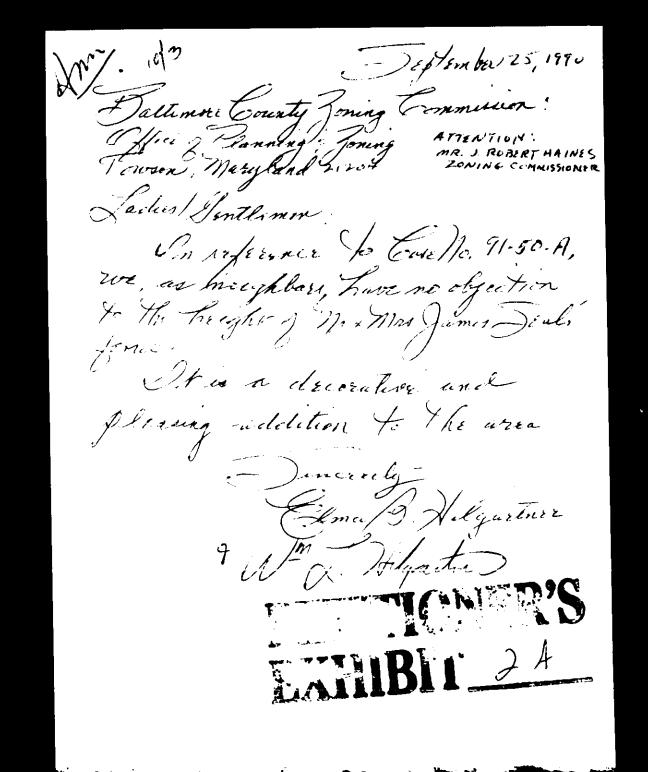
We have no basis for objecting to the height of any part of the fencing that surrounds the property at 11958 Park Heights Avenue in Owings Mills.

LOW W. NEWE

12022 Park Heights Avenue Owings Mills, MD 21117

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

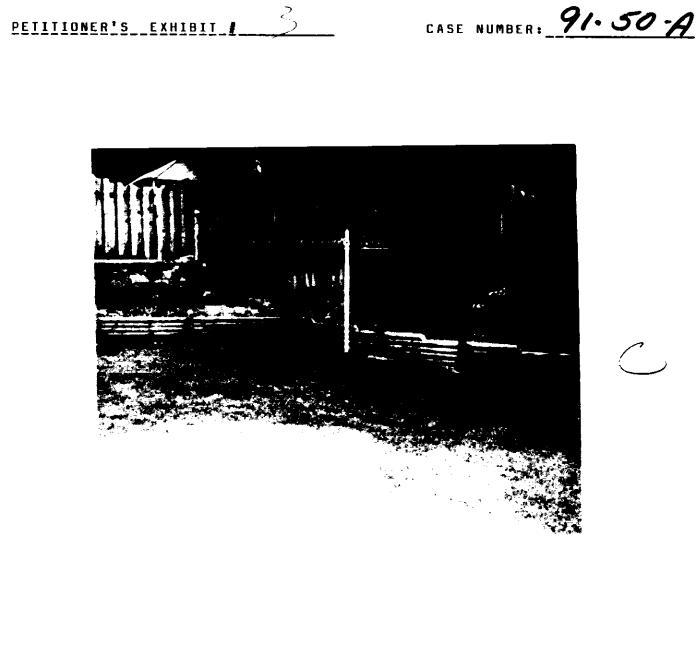
Recorded Among the LAND Records of BAITO. Lo. - Liber OTG 4694, Folio 435 - SEAL PROPERTY Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 11958 PARK HEIGHTS AVE. See pages 5 & 6 of the CHECKLIST for additional required information Subdivision name: _______,tot#_____,tot#_____,section#_____ OWNER: TAMES F. + NANCY R. SEAL FRIVATE ROAD Y PROPALORS FRONT ROAD CAVES Vicinity Map scale: 1'=1000' LOCATION INFORMATION Councilmanic District: 3 Rd. Election District: $4\frac{4}{}$. SEWER: 🔲 🛛 DRY . Chesapeake Bay Critical Area: Prior Zoning Hearings: NUNE Zoning Office USE ONLY! North Scale of Drawing: 1" = 40 prepared by:



CASE NUMBER: 91-50-14 PETITIONER'S EXHIBIT 1









TO WHOM IT MAY CONCERD:

name is Dorothy yaste, I reside at 1 Park Heights are, Owings Mills, Md 1. I name croned this property since 1989. I am directly in front r James Seal's home. His House nery back off the road (Park Height Is nestled on a private lot. Trott's proporty is on the side Nr. Seals house In my Knowledge real has had a fence for approximately 25 years, in the exact spot and the same height. The Fence that is up at this given time is made of treated with a scalloped It is highly attractive to put up. It is quite cestly to put de tract from the noishborhood or set a bad pressident. It does not hinder a bad pressident. It abes not ninue.

or cause a problem for me or for anyone

else, so that I can judge. I am in

favor of the seal leaving his tence exactly the way it is It he had to shortely it, it would take away the design and tetally ruin the decorator tench that was intended. unother note as tar being too far over on one side. I can only state that note as tar being owner bhip of the boundary Cinknows and no claim can be made by either party to the exact demension.

CASE NUMBER: 91-50-A PETITIONER'S EXHIBIT L___



